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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 13th March 1987:—

BILL NO. 7 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1987.

Substitution of new article for article 54.

2. For article 54 of the Constitution, the following article shall be substituted, namely:—

Election of President.

"54. The President shall be elected by the members of an electoral college consisting of—

(*a*) the members of both Houses of Parliament except those nominated by the President; and

(*b*) the members of the Legislative Assemblies of the States except those nominated by the Governors.".

Amendment of article 55.

3. In article 55 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

"(2) For the purpose of securing such uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which a member of Parliament and of the Legislative Assembly of a State is entitled to cast at such election shall be determined in the following manner:—

(*a*) every member of the Legislative Assembly of a State entitled to vote shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the members of the Assembly entitled to vote;

(*b*) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (*a*), shall be further increased by one;

(*c*) each member of either House of Parliament entitled to vote shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (*a*) and (*b*) by the total number of the members of both Houses of Parliament entitled to vote, fractions exceeding one-half being counted as one and other fractions being disregarded.".

Amendment of article 81.

4. In article 81 of the Constitution, in clause (*1*), after sub-clause (*b*), the following sub-clause shall be inserted, namely:—

"**(c) not more than two hundred and seventy-five members nominated by the recognised political parties in the proportion the valid votes polled by each of such parties bears to the total valid votes polled by all such parties at the direct election held under sub-clause (a), in such manner as Parliament may by law prescribe.**".

Amendment of article 170.

5. In article 170 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:—

"(*1*) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of—

(*a*) not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State; and

(*b*) not more than two hundred and fifty, and not less than thirty, members nominated by the recognised political parties in the proportion the total valid votes polled by each of such parties bears to the total valid votes polled by all such parties at the direct election held under sub-clause (*a*), in such manner as Parliament may by law prescribe.".

STATEMENT OF OBJECTS AND REASONS

The present electoral system has been found to be unsatisfactory inasmuch as the seats secured by the political parties bear no relation to the total votes polled by them. In order to neutralise in some measure this seat-vote ratio distortion, it is felt that there should be a provision for the filling of a certain percentage of the seats in Lok Sabha and the State Assemblies by nomination by the recognised political parties based on the percentage of votes polled by them at the election. The Bill seeks to present a workable formula in this regard and effect such other consequential amendments in the Constitution as have appeared to be necessary.

NEW DELHI; MADHU DANDAVATE

January 30, 1987.

FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for nomination of members to the House of the People and the Legislative Assemblies of States by recognised political parties in addition to the number of members chosen by direct election under articles 81(1) and 170(1) of the Constitution. This would result in additional recurring expenditure of about Rs. 10 lakhs from the Consolidated Fund of India on account of salaries and allowances, etc. of members of the House of the People.

A non-recurring expenditure of about Rs. 10 crores is also likely to be incurred.

The expenditure in respect of the members of the Legislative Assemblies of the States will be met from the Consolidated Fund of the respective States.

BILL NO. 4 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1987.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 19.

2. In article 19 of the Constitution, in clause (*1*), after sub-clause (*g*), the following new sub-clause shall be inserted, namely:—

"(*h*) to vote, in case the citizen has attained the age of eighteen years, but subject to restrictions contained in article 326.".

Amendment of article 326.

3. In article 326 of the Constitution, for the word "twenty-one", the word "eighteen" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under the existing article 326 of the Constitution, a citizen on attaining the age of twenty-one years is entitled to exercise his franchise, whereas, in a court of law and for the purposes of revenue and financial matters, a citizen who has attained the age of eighteen years is deemed to be major. In view of the principle of equality before law and also in view of the fact that eighteen years of age has been recognised as the age when one is deemed to be an adult, it is not proper to deprive such adults of their right to vote. The Bill, therefore, seeks to entitle all such persons who have attained the age of eighteen years to the right to vote.

NEW DELHI;
January 30, 1987

MADHU DANDAVATE

FINANCIAL MEMORANDUM

The new provision in regard to the right to vote contained in clauses 2 and 3 of the Bill will result in some increase in expenditure from the Consolidated Fund of India on account of printing of electoral rolls which is estimated to be about Rs. 5 lakhs annually. No non-recurring expenditure is involved.

BILL NO. 5 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987. Short title.

2. In the Eighth Schedule to the Constitution, entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively, and before entry 10 as so re-numbered, the entry "9. Nepali." shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Nepali is a daughter language of Sanskrit. The Nepali script is definitely Indian, as there is no difference between the Nagari script used for modern Hindi and the script used for modern Nepali. Bengali and Nepali languages have very close affinity.

There are two to three crores of Nepali speaking people in India. The actual figure might be much higher, as Nepali is one of the dominant languages of the lower Himalayan and sub-Himalayan regions. As a matter of fact, Nepali is a kind of *lingua franca* used widely throughout the Himalayan area.

It is, therefore, in the fitness of things that this language be added to the Eighth Schedule of the Constitution.

Hence this Bill.

NEW DELHI;
January 30, 1987.

MADHU DANDAVATE

BILL NO. 10 OF 1987

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Companies (Amendment) Act, 1987

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 252.

1 of 1956.

2. In section 252 of the Companies Act, 1956 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Atleast one-third of the directors shall be elected by the employees of the company, provided that there shall be atleast one representative so elected on the Board of every public company in such manner as may be prescribed by the Central Government by notification in the Official Gazette.".

Insertion of new section 255A.

3. After section 255 of the principal Act, the following new section shall be inserted, namely:—

Election of directors to be by ballot.

"255A. The election of directors, other than those to be elected by the employees of the public company, under section 255 shall be held by ballot and by distributive vote, that is to say, every shareholder at general meeting shall be entitled to cast as many votes as there are directors to be elected by the shareholders at the annual general meeting of the company so as to secure representation for minority opinion among the general body of the shareholders.".

Amendment of section 275.

4. In section 275 of the principal Act, for the words "twenty companies", the words "ten companies" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The principle of workers' participation in management must be applied not only to public sector undertakings but should also be introduced in the private sector (in public limited companies) as well. Participation by the elected representatives of the employees in the top management of the companies will not only act as a check on the malpractices that are rampant but will also enable the workers to put across their point of view at the highest level, and acquire an intimate knowledge of the working of the company, including its financial condition, without which neither will there be a sense of responsibility among the workers nor will they be able to make a useful and constructive contribution to the increasing of company's efficiency and productivity per man hour of labour.

This Bill makes a beginning in this regard.

The Bill also provides for representation of minority opinion on the Boards of Directors of the Company by changing the system of voting at the election of these directors. This principle, too, has been widely acclaimed in progressive business circles, and its enactment into law is now overdue.

The Bill further seeks to reduce concentration of economic and industrial power in the hands of a few persons by reducing the number of directorships which any single individual can hold from 20 to 10.

Altogether these three amendments will help further to democratise the structure of company management and also reduce concentration of money power in the hands of a few persons.

NEW DELHI;

January 30, 1987.

MADHU DANDAVATE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for the framing of rules under new sub-section (4) sought to be inserted in section 252 of the Companies Act, 1956, with regard to representation of the employees of the company. The Rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 21 OF 1987

A Bill to provide for the licensing of private investigators and security guards and to regulate their employment.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Private Investigators and Security Guards Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) 'certificate' means certificate of approval issued under section 15, authorising the holder of such certificate to work as a Private Investigator or as a Security Guard as the case may be;

(ii) 'company' means a company incorporated under the Companies Act, 1956;

1 of 1956.

(*iii*) 'Controller' means the Controller of Private Investigators and Security Guards of the respective State/Union territory;

(*iv*) 'licence' means a licence issued to a Private Investigator or a Security Guard as the case may be;

(*v*) 'licensee' means a person who has been issued a Private investigator's or Security Guard's licence, as the case may be;

(*vi*) 'Office' means Office of the Controller; and

(*vii*) 'public record' means a register, file or a document that any member of the public is entitled, by virtue of any enactment, to inspect or peruse whether on payment of a fee or otherwise, or from which any member of the public is entitled, by virtue of any enactment, to obtain a copy or extract, whether on payment of a fee or otherwise.

Private Investigators.

3. In this Act, Private Investigator means a person who carries on any business, either by himself or in partnership with any other person or persons, whereby, at the request of any person as a client and not as a member of the public and for consideration, he seeks or obtains information relating to the personal character, accounts or behaviour of any person or the financial position of any person or a company or the occupation/business of any person or to identify the whereabouts of any person but does not include information that is contained in a public record.

Security Guards.

4. In this Act, Security Guard means a person who carries on any business, either by himself or in partnership with any other person, whereby, for consideration:—

(*a*) guards by himself or through his firm or any of his partner, any real or personal property belonging to any other person;

(*b*) instals any alarm or any device for the safety of any settlement or strong room in any premises not owned by him;

(*c*) instals or operates or causes to be operated, for detecting the commission of an offence, any camera or a similar device; and

(*d*) enters any premises that are not owned or occupied by himself for:—

(*i*) selling or attempting to sell any of the devices referred to above;

(*ii*) advising the owner or occupier of the premises on the desirability of having such a device; or

(*iii*) advising the owner or occupier of the premises on the desirability of guarding the premises.

Controller of Private Investigators and Security Guards.

5. (1) The Central Government by notification in the Official Gazette shall appoint the Inspector General of Police of the respective State/Union territory as the Controller of Private Investigators and Security Guards.

(2) The Controller shall be assisted by a Deputy Inspector General of Police designated as Deputy Controller and such other administrative staff as may be necessary to enable the Controller to exercise his functions and powers and to perform his duties under this Act.

Maintenance of registers.

6. (1) The Controller shall compile and maintain in his office—

(a) a register of persons to whom Private investigators licences have been issued;

(b) a register of Private Investigators to whom certificates of approval have been issued;

(c) a register of all persons to whom Security Guard licences have been issued;

(d) a register of Security Guards to whom certificates of approval have been issued.

(2) Every such register shall indicate the following:—

(a) the full name, office/residential address and occupation of every holder of the licence;

(b) the dates on which licence and certificate of approval were issued;

(c) the dates on which the licence and certificate of approval are renewed/due for renewal;

(d) the registered office of the holder and every other place of business specified in the licence;

(e) details including dates of any suspension, or cancellation of licence or certificate of approval; and

(f) any other matter as may be prescribed.

Scheme for Security Guards.

7. (1) For the purpose of ensuring regular employment to Security Guards, the State Governments/or the Union Territories as the case may be, shall by means of one or more schemes provide for the registration of employers and Security Guards in any factory or establishment and provide for the terms and conditions of their employment and to make provision for the general welfare of such Security Guards.

(2) In particular, the Scheme may provide for all or any of the following matters,—

(a) for the application of the scheme to such classes of registered Security Guards, and employers, as may be specified therein;

(b) for regulating the recruitment and the registration of Security Guards and employers including the maintenance of registers, removal or restoration, either temporarily or permanent, of the names from the registers and the imposition of fees for registration;

(c) for regulating the employment of registered Security Guards and the terms and conditions of such employment, including the rates of wages, hours of work, maternity benefits, over-time payment, leave with wages, provision for gratuity and conditions as to weekly and other holidays and pay in respect thereof;

(*d*) for providing time within which registered employers should remit to the Office the amount of wages payable to the registered Security Guards for the work done by them; for requiring such employers who, in the opinion of the Office, make default in remitting the amount of wages in time as aforesaid, to deposit with the Office an amount equal to the monthly average of the wages to be remitted as aforesaid; for requiring such employers, who persistently make default in making such remittances in time, to pay also, by way of penalty, a surcharge of such amount not exceeding ten per cent., of the amount to be remitted as the Office may determine;

(*e*) for securing, in respect of a period during which employment or full employment is not available to registered Security Guards, though they are available for work, such Security Guards shall, subject to the conditions of the Scheme, receive a minimum guaranteed wage;

(*f*) for prohibiting, restricting, or otherwise controlling the employment of non-registered Security Guards and the employment of Security Guards by non-registered employers;

(*g*) for the welfare of registered Security Guards covered by the Scheme;

(*h*) for health and safety measures in places where the registered security guards are engaged;

(*i*) for the constitution of any fund or funds including provident fund for the benefits of registered Security Guards, the vetting of such funds, the payment and contributions to be made to such funds; provision for provident fund and rates of contribution being made after taking into consideration the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, and the Scheme framed thereunder, with suitable modifications, where necessary, to suit the conditions of work of such registered Security Guards and all matters relating thereto; 19 of 1952.

(*j*) for the manner in which the day from which (either prospective or retrospective) and the persons by whom, the cost of operating the scheme to be defrayed;

(*k*) **for appointing the authorities who are to be made responsible for the administration of the scheme, and the administration of funds constituted for the purposes aforesaid:**

(*l*) for specifying the powers and duties, which such authorities may exercise or perform for providing appeals and revision applications against the decisions or orders of such authorities; and for deciding such appeals and applications and for matters incidental thereto; and

(*m*) for such other incidental and supplementary matters as may be necessary or expedient for giving effect to the purpose of the scheme.

(3) The Scheme may further provide that a contravention of any provision thereof shall, on conviction, be punished with imprisonment for such term as may be specified (but in no case to exceed three months

in respect of a first contravention or six months in respect of any subsequent contravention) or with fine which may extend to such amount as may be specified (but in no case to exceed) five hundred rupees in respect of the first contravention of or one thousand rupees in respect of any subsequent contravention or with the imprisonment and fine; and if the contravention is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.

Licences.

8. (*1*) (*a*) No person shall work as a private Investigator unless he has been issued a licence to that effect.

(*b*) No person shall work as a Security Guard unless he has been issued a licence to that effect.

(*2*) Every person who contravenes clauses (*a*) and (*b*) of sub-section (*1*) shall be liable to imprisonment for a term not exceeding three months or a fine of rupees five hundred or with both.

(*3*) Any person convicted under this section shall be permanently disqualified from applying for obtaining a licence during his lifetime.

Application for licence.

9. A person who wishes to obtain a licence shall apply to the Controller in writing in the prescribed form as may be prescribed along with the prescribed licence fee to be fixed by the Government.

Police verification before issuance of licence.

10. The Controller may refer any or all applications for licence to the respective local police authority for verification and objection, if any.

Issuance of licence.

11. (*1*) Where the Controller is satisfied, in respect of an application for a licence that provisions of this Act have been complied with and that the applicant is a qualified person to be a holder of a licence, he shall issue a licence in the form provided in the First Schedule or the Second Schedule, as the case may be.

(*2*) The prescribed fee shall be levied before the issue of the licence and the requisite receipt shall be issued by the Controller for the amount collected for the licences.

Money to be deposited with the Controller.

12. A licence shall not be issued to any person, until he deposits with the Controller, such amount as may be prescribed.

Validity of licence.

13. Every licence, unless otherwise terminated in accordance with this Act, shall continue to be in force until its expiration and shall be renewed atleast fifteen days before it expires except when action is instituted for the contravention of the provisions of this Act.

Renewal of licence.

14. The licence shall be valid for a period of one year from the date of issue and shall be renewed for a further term of one year on an application submitted to the Controller fifteen days before the expiry of previous licence.

Certificate of Approval.

15. (1) The Controller shall, after licence has been issued to a private investigator or a security guard, also issue a certificate of approval to such licensee in the form as provided in the Third Schedule or the Fourth Schedule, as the case may be.

(2) The certificate issued under sub-section (1) shall be valid for one year from the date of issueand a prescribed fee shall be levied before the issue of the certificate and the requisite receipt shall be issued by the Controller for the amount collected for the certificate.

(3) Every licence holder shall not commence his work unless he is issued the certificate.

Renewal of certificate.

16. (1) Every certificate of approval issued under section 15, unless otherwise terminated in accordance with this Act, shall continue to be in force until its expiration and shall be renewed atleast fifteen days before it expires except when action is instituted for the contravention of the provisions of this Act.

(2) The application for renewal of the certificate shall be accompanied by a prescribed fee for renewal and a receipt shall be issued by the Controller for the amount collected for the certificate.

Production of licence and certificate of approval.

17. Every licensee shall produce his licence and certificate of approval on demand to:

(a) the Controller/Deputy Controller;

(b) any member of the police; and

(c) any person with whom he is dealing in the course of transaction or attempting to transact the business to which the licence and certificate of approval relates.

Change in Employment by the licensee.

18. Every licence holder who changes his employment shall within seven days notify the Controller/Deputy Controller in writing to that effect and also the name and address of his new employer/occupation.

Display of licence.

19. Every holder of a Private Investigator's licence shall at all time exhibit, at the place of business specified in the licence at a conspicuous place, the following details:—

(a) his full name;

(b) a copy of private investigator's licence;

(c) the names of person(s) who are carrying on the business;

(d) the rate of fees chargeable for the various categories of cases handled by him/them; and

(e) any other information relating to his business.

Restriction on investigation.

20. A Private Investigator shall not investigate or make any enquiries where an offence is not made public but shall promptly pass on the information to the officer in charge of the nearest Police Station who is empowered under the law to investigate the crime.

Information relating to Methods.

21. A private Investigator shall, upon demand by the Controller or a person empowered by him in that behalf give any information regarding the supervision of the methods and means he normally employs in obtaining and collecting information.

Maintenance of a register by licensee.

22. (1) Every holder of a licence shall maintain a register showing:

(*a*) the names and the address of all persons acting or employed by the holder in the carrying on the business in respect of which the licence is held;

(*b*) each investigation or other work undertaken;

(*c*) income and expenditure of the particular accounting year:

Provided that such accounts shall be audited by a Chartered Accountant.

Verification of a complaint.

23. On receipt of a complaint regarding the working of the licensee or on his own, the Controller shall get the facts of such a complaint verified through the local police.

Suspension and termination of licence.

24. Where a complaint against a licensee has been found to be true on verification, the Controller shall issue a notice to the licensee to explain the charge within seven days and on being satisfied that the explanation given by the licensee is not satisfactory, he shall suspend the licence for a period to be specified or terminate his licence.

Appeal.

25. An appeal shall tie to the State Government/Union territory Administration against the decision of the Controller of Private investigators and Security Guards.

Information not to be divulged.

26. Except on being authorised or required a person who holds or has held a licence under this Act shall not divulge to anyone, any information acquired by him in the course of the business or employment in respect of which the licence is or was held.

Licensee not to exceed his powers.

27. No Private Investigator or Security Guard or any person validly employed by him shall perform any duty or exercise any power of the police except those conferred on him as a licence.

Loss of licence or certificate.

28. Where on an applcation, the Controller/Deputy Controller is satisfied that the holder of a licence or certificate has lost his licence or certificate, the Controller/Deputy Controller, on payment of the prescribed fee, may issue a duplicate of the licence or certificate with entries to that effect.

Surrender of licence or certificate.

29. Any licence or certificate suspended or terminated shall be surrendered to the Controller/Deputy Controller within twenty-four hours of such suspension or termination.

power to make rules.

30. (*1*) The Central Government may make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the fees payable for different classes of licences and certificates of approval;

(*b*) the amount and form of security to be given under section 12 of the Act;

(*c*) the terms and other conditions of the licence;

(*d*) the records to be kept and returns to be made to the Controller;

(*e*) the procedure to inspect the premises of the licensee and the records maintained by him;

(*f*) the procedure governing the surrender of the licences that have been suspended or cancelled or terminated;

(*g*) the regulations regarding issue and use of identification cards for the persons who have been issued licences under the Act;

(*h*) uniforms that may be worn by the security guards and prohibiting wearing of uniforms of other agencies.

(*i*) any other matter which is required to be or may be prescribed.

THE FIRST SCHEDULE

[*See* section 11(1)]

PRIVATE INVESTIGATOR'S LICENCE

..... (Full Name) is authorised (here affix photograph of the Licensee) by this licence to carry on the business of a Private Investigator either on his own account or in partnership with any other person who is holder of a private investigator's licence from the following places of business, namely:—

(a)	***	***	***
(b)	***	***	***
(c)	***	***	***

until the

The registered office of the Licensee is at
..... (address of registered office).

Dated..... this day of 19.....

Sd/-

Place..... Controller of Private Investigators and Security Guards.

SPECIAL NOTE

Nothing in this licence confers on the holder any more power or authority than that of an ordinary private citizen.

THE SECOND SCHEDULE

[*See* section 11(1)]

SECURITY GUARDS' LICENCE

..... (full name) is authorised (here affix the photograph of the licensee) by this licence to carry on the business of a security guard, either on his own account or in partnership with any other person who is the holder of a security guard's licence, from the following places of business, namely:—

(a)	***	***	***
(b)	***	***	***
(c)	***	***	***

until the

The registered office of the Licensee is at
..... (address of registered office).

Dated this day of 19.....

Sd/-

Place..... Controller of Private Investigators and Security Guards.

SPECIAL NOTE

Nothing in this licence confers on the holder any more power or Authority than that of an ordinary private citizen.

THE THIRD SCHEDULE

[*See* section 15(1)]

Certificate of approval to a Private Investigator

..... (full name) of (address of registered office of employer) is authorised by this certificate to commence work as a private Investigator until the

Dated this day of 19.....

Sd./-

Place Controller of Private Investigators and Security Guards.

SPECIAL NOTE

Nothing in this certificate confers on the holder any more power or authority than that of an ordinary private citizen.

THE FOURTH SCHEDULE

[*See* section 15(1)]

Certificate of approval to a Security Guard

..... (full name) of (address of registered office of employer) is authorised by this certificate to commence work as a Security guard until the

Dated this day of 19.....

Sd./-

Place Controller of Private Investigators and Security Guards.

SPECIAL NOTE

Nothing in this certificate confers on the holder any more power or authority than that of an ordinary private citizen.

STATEMENT OF OBJECTS AND REASONS

There has been sporadic growth of private sleuths and detective agencies, providing physical and personal security on payment.

A large number of such agencies and operators have been charging exorbitant rates and many times the money paid is misappropriated by the management.

Their (agencies) function has been overlapping with the functions of the Police. These security agencies make a middleman's profit and there is exploitation of the lowpaid employees. The companies do not employ guards directly but through security agencies and thus benefits like insurance leave, medical and labour benefits are denied to the guards.

To make the services more purposeful, a simple procedure for licensing of these agencies has been evolved, and to regulate the employment of private detectives and security guards.

Hence this Bill.

NEW DELHI;
February 2, 1987.

RAM BAHADUR SINGH.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of administrative staff to assist the respective Controller of Private Investigators and Security Guards. Clause 7 provides for framing a scheme by the State Governments/Union Territories for the regulation of employment of Security Guards and their welfare. It also provides for appointment of staff for administering the scheme. The Bill would, therefore, involve expenditure from the Consolidated Fund of India in respect of Union Territories. Moreover, the Central Government shall have to provide financial assistance to State Governments to carry out the provisions of the Bill. An annual recurring expenditure of about rupees fifty lakhs is likely to be involved.

Non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power of a normal character.

BILL NO. 11 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987. Short title.

2. In paragraph 2 of the Tenth Schedule to the Constitution,— Amendment of Tenth Schedule.

(*i*) in the Explanation to sub-paragraph (*1*), sub-clause (*ii*) of clause (b) shall be omitted;

(*ii*) for sub-paragraph (*3*), the following sub-paragraph shall be substituted, namely:—

"(*3*) A nominated member of a House who is not a member of any political party on the date of his nomination as such member, shall be disqualified for being a member of the House, if he joins any political party after such nomination.".

STATEMENT OF OBJECTS AND REASONS

A member of a House nominated by the President of India, who is not a member of any political party on the date of his nomination, can under sub-paragraph (3) of paragraph 2 of the Tenth Schedule to the Constitution, join any political party within six months from the date on which he takes his seat in the House. This is not in accordance with the spirit of the Constitution. The Constitution, therefore, needs to be amended to the effect that any person nominated by the President, if he is not already a member of any political party, must continue his independent status throughout his term of membership of the House.

This Bill seeks to achieve the aforesaid objective.

NEW DELHI;
February 4, 1987.

BASAVARAJESWARI

BILL NO. 15 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987. Short title.

2. After article 23 of the Constitution, the following articles shall be inserted, namely:— Insertion of new articles 23A, 23B and 23C.

"23A. (*1*) **All citizens shall have the right to work and shall be entitled to a house to live, food to eat and employment.** Right to work etc.

(*2*) **Failing to provide such means as are referred to in clause (*1*), every citizen shall be given cash allowance to meet his day to day needs by the Government.**

Right to free and compulsory education.

23B. (*1*) **All children upto the age of twenty years shall have the right to free education.**

(*2*) Education shall be compulsory for all children until they have completed tenth class.

(*3*) The State shall provide free medical and technical education to all those who have secured good marks but are not able to pay and meet the expenses for higher medical or technical education.

Monetary assistance to sick and disabled.

23C. The State shall provide monetary assistance to every citizen who has completed the age of twenty years or remains chronically sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself.".

STATEMENT OF OBJECTS AND REASONS

Though Directive Principles of State Policy provide for right to work, education and assistance in case of unemployment, old age, sickness and disablement, free and compulsory education for all children, but it is seen even after a lapse of more than thirty years that children have not been provided with free education. The parents of majority of children also can not afford to send their children to schools for minimum education because of their inability to provide all facilities to them. It has also been seen that there are large number of citizens in India who have no house to live, no food to eat and they are also unemployed. Even the daily necessities of life *i.e.* shelter, food has not been provided to large number of citizens. Besides, there are children who even though have got good academic records, have not been provided proper assistance by the Government for higher education as their parents can not afford the high cost of the medical and technical education. The result of this is that a large number of good students are forced to leave their studies and they remain unemployed. Therefore, this Bill seeks to give legal effect to what is contained in the Directive Principles of State Policy.

NEW DELHI;
February 4, 1987.

BASAVARAJESWARI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the payment of monetary assistance to the citizens in case of unemployment, sickness and disablement and also for free and compulsory education to the children upto tenth class. It also provides that the State shall provide to every citizen a house to live, food to eat and free medical and technical education to all those students who have secured good marks but are not able to meet the expenses of their higher education. It is not possible to give an exact estimate of the amount of recurring expenditure but a sum not exceeding twenty million rupees annually is likely to be spent from the Consolidated Fund of India in respect of Union territories.

There will be no non-recurring expenditure.

BILL NO. 20 OF 1987

A Bill to provide free medical and technical education to all students and for matters connected therewith.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Providing of Free Medical and Technical Education Act, 1987.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "appropriate Government" means the Central Government in respect of Union territories and State Government in respect of States.

Providing of free medical and technical education.

3. Every student, irrespective of caste, colour, creed, shall be provided free medical and technical education by the appropriate Government.

Students to be admitted on merit.

4. All students eligible for enrolment in a college or an institution where medical or technical education is provided shall be admitted only on the basis of their performance in the examination required to be taken for being eligible for admission to the college or institution or in the last examination passed by them:

Provided that no other authority except the appropriate Government shall select the candidates for admission to colleges or institutions where medical or technical education is provided.

Prohibition on charging capitation fee.

5. No college or institution, where medical or technical education is provided, shall charge any capitation fee for enrolling the students.

STATEMENT OF OBJECTS AND REASONS

The problem of providing technical and medical education in the country has been agitating the minds of the youth. No proper selection is being made. All deserving candidates are not allowed to pursue the medical and technical education. The present procedure has created many problems and all those who have wealth can provide medical and technical education to their children and those who are well qualified are being deprived of such education. As a result, inefficient medical and technical trained people, are coming out of these institutions. Therefore, it is necessary to provide free medical and technical education to all those who deserve them. Since admission for enrolment to these courses is based on the examination conducted by the appropriate Government, the benefit will go to deserving students and it will also produce efficient medical and technical persons.

Hence, this Bill.

BASAVARAJESWARI

NEW DELHI;
February 4, 1987.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical and technical education by the Government to all students. The Central Government has to incur expenditure in respect of students in colleges and institutions situated in Union territories. The Central Government has also to provide financial assistance to State Governments in this regard. The Bill, therefore, would involve expenditure from the Consolidated Fund of India. As annual recurring expenditure of about rupees ten crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

BILL NO. 16 OF 1987

A Bill to prohibit the use of religious, communal, regional and sectoral names for political parties and to prevent the misuse of religious places.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Prohibition of Use of Religious, Communal, Regional and Sectoral Nomenclatures for Political Parties and Prevention of Misuse of Religious Places Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "political parties" means an association or body of individual citizens of India registered with the Election Commission as a political party.

Prohibition of use of religious, etc. names by a political party.

3. The use of religious, communal, regional and sectoral nomenclatures in the title of a political party shall be prohibited.

Religious places not to be used for political purposes.

4. Any religious place shall not be utilised by any person or a political party for achieving his or its political ends and no political speeches shall be allowed to be made in any such place.

Religious places not to give protection to criminals, etc.

5. It shall be the responsibility of the management of a religious place to see that such place is not used to give protection to the criminals or to dump arms and ammunition.

Religious places to be inspected.

6. All religious places shall be inspected twice a year by an agency authorised by the Central Government to find out whether any criminals are protected or ammunition is stored in such places.

STATEMENT OF OBJECTS AND REASONS

Growing tendencies to play with religious sentiments and to evoke regional, communal and sectoral loyalties of the masses and the play of other divisive forces with the obvious object of seeking easy election to these august representative bodies, can be witnessed on the eve of and during elections to the Houses of Parliament and Legislatures in different States. A number of religious places have been found to be protecting the criminals and arms and ammunition have been found to be dumped there. Number of people have been delivering speeches in the religious places evoking great emotions and thus creating enmity. A situation has arisen where narrow religious, communal and sectoral considerations have taken the place of consideration for socio-economic policies pursued by various political parties. Emotions and sentiments for narrow sectoral affinities tend to blur the enlightened public opinion and balanced judgement of the people while deciding the destiny of the Nation by way of elections. These narrow tendencies present a grave threat to the very unity and integrity of the Nation and militate against the principles of Sovereignty, Socialism, Secularism and Democracy which the Constitution of India seeks to establish.

Therefore, the Bill will provide sufficient check on such elements. Religious places should be used only for the purpose of propagating religion.

Hence the Bill.

NEW DELHI;
February 9, 1987.

BASAVARAJESWARI

BILL NO. 17 OF 1987

A Bill to provide for taking over of all private schools, both technical and non-technical, and to provide uniform syllabus in all schools throughout the country.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Schools (Taking Over and Uniform Syllabus) Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context othewise requires,—

(*i*) 'Government means a State Government or the Central Government, as the case may be; and

(ii) 'private school' shall mean and include schools and institutions established by private organisations, whether run on public school pattern or not, or by religious organisations, as the case may be.

Ban on opening of new private schools.

3. The opening of new private schools, whether technical or non-technical, shall be banned.

Private schools to be taken over by the Government.

4. All the private schools, whether technical or non-technical, shall be taken over by the Government.

Uniform syllabus in all schools.

5. There shall be uniform syllabus for respective classes in all schools throughout the country.

Opening of new schools and institutions.

6. The Government shall open schools and institutions after considering the population and requirements of an area and preference shall be given to economically backward districts.

STATEMENT OF OBJECTS AND REASONS

It is found that the present system of education in the country has not delivered the goods expected of it as per the Preamble to the Constitution. Until and unless the uniform system of education is brought about in the country, it cannot become a source of national integration and a way to secular society with socialistic pattern and fully democratic in character. The present system of education, being commercial and communal, depending upon the aims and objectives of the organisations imparting education, is restricted. Also the present education being too costly in the name of public school pattern, common man is helpless to educate his children. This helps in increasing illiteracy amongst common people in spite of the best efforts of the Government to remove it from the country. This has also created classes in the society and the country.

In order to give equal opportunity and a new environment, it is essential that all the schools and institutions, whether private or public, shall be taken over by the Government.

Hence this Bill

NEW DELHI;
February 9, 1987.

H. N. NANJE GOWDA

FINANCE MEMORANDUM

Clause 4 of the Bill provides that all private schools shall be taken over by the Government. The State Governments shall, in respect of their States, incur expenditure in taking over of schools. The Central Government shall, in respect of Union territories, incur expenditure from the Consolidated Fund of India. Clause 6 provides that Central Government or the State Governments, shall open schools after considering the population and requirements of an area. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India.

An annual recurring expenditure of rupees twenty lakhs is likely to be involved from the Consolidated Fund of India.

Non-recurring expenditure to the tune of rupees fifty thousand is also likely to be incurred.

BILL NO. 13 OF 1987

A Bill to provide for the payment of compensation by the State to citizens or their dependants for injury suffered and damage to property in the course of civil disturbance or riot.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Civil Disturbance Victims Compensation Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means, the State Government in relation to any of the matters falling within its purview and in respect of any other matter, the Central Government;

(*b*) "compensation" means compensation as provided under section 3; and

(c) "dependants" means wife, children or parents.

3. If injury is caused to a person or a citizen by an accident or design arising out of or in the course of a civil disturbance or riot, the appropriate Government shall pay compensation to the citizen in accordance with the provisions of the Act.

Payment of compensation for injury to the victims.

4. If damage is caused to the property of a citizen in the course of a civil disturbance or riot the appropriate Government shall be liable to provide him with shelter.

Provision of shelter in case of damage to property.

5. If any person or a citizen dies in the course of a civil disturbance or riot, the appropriate Government shall provide job to his wife or any child in addition to payment of rupees one lakh to his depandents as compensation.

Payment of compensation in case of death.

6. The appropriate Government shall, by public notification, appoint a Commissioner, within thirty days of the date of occurence of a civil disturbance or riot which caused injury to any citizen, for settling, the claims of the victims or their dependants for payment of compensation for death, injury received and/or damage to property.

Appointment of Commissioner.

STATEMENT OF OBJECTS AND REASONS

Social violence has assumed an endemic form and virulent dimension in our country. Violent disturbances caused by communal, linguistic, ethnic and caste tensions have given rise to deaths and injuries to persons and loss of property on a mass scale. The Government and the administrative machinery appears to be helpless in the face of such disturbances, unable to pre-empt the outbreak or to control it by timely and effective action.

The relief provided to the victims by the State has been nominal or inadequate and on a much smaller scale.

At present there is no legal liability on the State, either under the Constitution or under the existing laws, to give compensation to the victims of such disturbances, riots and commotion. The State has a moral obligation to compensate and rehabilitate the victims.

Social violence is often motivated by a desire to cause economic losses. So adequate compensation would deter such motivation.

Hence this Bill.

NEW DELHI;
February 9, 1987

G. S. BASVARAJU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall pay compensation to the victims of a civil disturbance or riot, whenever it occurs. Clause 4 provides that the appropriate Government shall provide shelter to a citizen whose property has been damaged during a civil disturbance or riot. Clause 5 provides for payment of compensation of rupees one lakh in case of death of any person or citizen during civil distrubance or riot. Clause 6 provides that the appropriate Government shall appoint a Commissioner within thirty days of the occurrence of a civil disturbance or riot for settling claims of the victims. The Central Government has to incur expenditure in respect of cases occurring in Union territories. The Central Government shall also have to provide financial assistance to State Governments for carrying out the purposes of the Bill. The Bill, if enacted, would therefore involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees two crores is likely to be involved.

A non-recurring expenditure of about rupees fifty lakhs is also likely to be involved.

SUBHASH C. KASHYAP,
Secretary-General.

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